

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 736 OF 2007

The State of Maharashtra & Ors.....
Petitioners
V/s
Arun Ramchandra Khedekar..... Respondent.

Office Notes, Office) Court's or Judge's Orders
Memoranda of Coram, appearances)
Court's orders or directions and)
Registrar's orders.)

None for the petitioners.
Mr.M.S.Topkar, Adv. for the
respondents.

CORAM: A.P.DESHPANDE, J.
20.2.2007

PC:

An order passed by the Industrial Court dated 23.3.2006 is challenged by filing the instant petition. Respondent No.1 was appointed in government service when his age was less than 18 years and to be precise when he was 17 years, 7 months and 18 days old. Sometime in the year 1995 the present petitioners informed the respondent that he would be denied the pensionary benefits for the period prior to completion of 18

years of age and would also be denied promotions, seniority and other benefits. Aggrieved thereby the respondent filed complaint before the Industrial Court contending that the present petitioners have indulged in unfair labour practice under item Nos.9 and 10 of Schedule IV. To deny the benefits the petitioners had placed reliance on Rule 32 of the Maharashtra Civil Services (Pension) Rules 1982. The Industrial Court considered the provisions of rule 32 and has held that the present respondent will not be entitled to the pensionary benefits till he attains the age of 18 years. In other words, it is held that as the respondent has attained the age of 18 years on 23.1.1970 the services rendered by him prior to that date will not be counted for pensionary benefits. However the Industrial Court has found that the present petitioners have indulged in unfair labour practice in denying other benefits to the respondent such as seniority, promotion and inclusion in time scale etc.

2. Perused the order. Same does not suffer from any illegality and no interference in writ jurisdiction is called for. Hence the petition is

summarily dismissed.

20.2.07.